

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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| UNITED STATES OF AMERICA, | : | |
| PLAINTIFF, | : | |
| | : | CASE NO. 1:02-cv-367 |
| V. | : | (consolidated with 1:02-cv-359, |
| | : | 1:02-cv-388, 1:02-cv-431, and |
| | : | 1:02-cv-474) |
| REAL PROPERTY KNOWN AND | : | |
| NUMBERED AS 2467 LEGENDS WAY, | : | SENIOR JUDGE SPIEGEL |
| CRESTVIEW HILLS, KENTON | : | |
| COUNTY, KENTUCKY , WITH ALL | : | |
| APPURTENANCES, IMPROVEMENTS, | : | |
| AND ATTACHMENTS THEREON, et al., | : | |
| DEFENDANTS. | : | |
| | : | |

**UNITED STATES' MOTION TO DISMISS REAL PROPERTY KNOWN AND
NUMBERED AS 1055 BELMONT PARK DRIVE, UNION, KENTUCKY**

The United States, by and through the undersigned United States Attorney for the Southern District of Ohio, moves this Court pursuant to Fed.R.Civ.P. 41(a)(2) for an order dismissing real property known and numbered as 1055 Belmont Park Drive, Union, Boone County, Kentucky ("the subject real property"), which is further described as follows:

GROUP #: 4110

Being all of Lot 4B, a landominium lot, Belmont Park Subdivision, Triple Crown Country Club, Section Eleven (11), Block "B", as shown on Plat Cabinet 3, Slide 590A, of the Boone County Clerk's records at Burlington, Kentucky.

This lot is subject to the terms, conditions and provisions of the Declaration as set forth in Miscellaneous Book 823, Page 64 of said records, and any and all Additions, Amendments, and Supplements thereto, and as from time to time amended.

The United States has agreed to the sale of the subject real property by the record owner, BOC Asset Corporation, to a third party.

Therefore, the United States respectfully requests that the Court issue an order dismissing the subject real property from the verified Complaint for Forfeiture in Rem filed with this Court on May 30, 2002.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

s/Kathleen M. Brinkman
KATHLEEN M. BRINKMAN (0016269)
Assistant United States Attorney
Attorney for Plaintiff
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
(513) 684-3711
Fax: (513) 684-6385
Kathleen.Brinkman@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was served on this 30th day of September, 2004, electronically on: Richard Boydston, Attorney for Union Planters Bank National Association; Kent Allen Britt, Attorney for Attorney for A. William Erpenbeck and Marcia Erpenbeck; Susan Grogan Faller, Attorney for Bank of Corbin; Thomas D. Heekin, Attorney for Richard W. Erpenbeck; Geraldine M. Johnson, Attorney for Bellavista at Gulf Harbour Yacht & Country Club Condominium Association; Earl K. Messer, Attorney for US Bank N.A.; James L. Nieberding, Attorney for Guardian Savings Bank FSB; Cynthia M. Roselle, Attorney for Wells Fargo Home Mortgage; Jeffrey S. Rosenstiel, Attorney for Bank of Corbin; Michael L. Scheier, Attorney for Provident Bank; and Glenn V. Whitaker, Attorney for A. William Erpenbeck and Marcia Erpenbeck; and by regular U.S. Mail on the following:

Harry P. Hellings, Jr.
Attorney for Marc & Alice Menne
214 East Fourth Street
Covington, Kentucky 41011

James T. Hodge
Attorney for Union Planters Bank, N.A.
Wyatt, Tarrant & Combs, LLP
250 West Main Street, Suite 1600
Lexington, Kentucky 40502

John R. Kummer
Attorney for First National Bank of
Northern Kentucky
Ware, Bryson, West & Kummer, PLLC
157 Barnwood Drive
P.O. Box 17718
Edgewood, Kentucky 41017

Tamara A. Miano
Attorney for U.S. Bank, N.A.
Taft, Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202

Susan J. Moeller
Attorney for Provident Bank
Keating, Muething & Klekamp, P.L.L.
1400 Provident Tower
One East Fourth Street
Cincinnati, Ohio 45202

Bruce R. Schrader, II
Attorney for Bellavista at Gulf Harbour
Yacht & Country Club Condo. Assoc.
Roetzell & Andress
75 East Market Street
Akron, Ohio 44308

John A. Schuh
Attorney for John & Susan Finnan
Schuh & Goldberg, LLP
2662 Madison Road
Cincinnati, Ohio 45208

Michael T. Sutton
Attorney for Lisa Hellman
Sutton, Hicks, Lucas, Grayson & Braden
130 Dudley Road
Edgewood, Kentucky 41017

Dennis R. Williams
Attorney for Fifth Third Bank, Western
Ohio
Adams, Stepner, Woltermann & Gusind
40 West Pike Street
Covington, Kentucky 41012

s/Kathleen M. Brinkman
KATHLEEN M. BRINKMAN (0016269)
Assistant United States Attorney